IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7301 of 2005

Between:

1. Magjeera Degree College,Kamareddy, rep. by its Corespondent , Sri B. Madhusudhan
Reddy, S/o Venkataram Reddy, aged 38 years, R/o HIG-1, Block III, F.7, Baghlingampally, Hyderabad.
2. Ramakrishna Degree College, Kamareddy, rep. by its Correspondent, Sri P. Sanath
Kumar Sharma, S/o Yadagiri Sharma, aged 38 years, R/o Kamareddy,Nizamabad District.
3. Vasistha Degree College, Kamareddy, rep. by its Correspondent, Sri K. Ramana Kumar, S/o K. Sudershan, aged 32 years, R/o Kamareddy,Nizamabad District.
4. Sidhardha Degree College, Kamareddy, rep.by its Secretary/Correspondent, Sri Malik
Mohammed Taher S/o Late Malik Mohammed Waheed, aged 45 years, R/o Kamareddy,Nizamabad District.

... PETITIONERS

AND

1 The A.P. State Council for Higher Education, rep. by its Secretary, Post Box No. 34,
Saifabad, Hyderabad - 500 004.
2 The Government of Andhra Pradesh, rep. by its Secretary,
Department of Higher Education, Secretariat Buildings, Hyderabad.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the notification dt. 24-11-2004 issued by the 1st

respondent published in Eenadu Telugu Daily Dated 25-11-2004 in so far as it relates to Kamareddy, Nizamabad District, inviting applications for establishment of new Degree Colleges, is arbitrary illegal, and contrary to the provisions of the A.P. Education Act and consequently direct the 1st respondent not to permit establishment of any new Degree Colleges already where the degree colleges running in Kamareddy, Nizamabad District in private sector for the academic year 2005-06.

Counsel for the Petitioners: MR.G.JAGADEESWAR

Counsel for the Respondents: GP FOR HIGHER EDUCATION

The Court at the stage of admission made the following:

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ORDER:

The petitioners seek a declaration that the notification dated
24-11-2004 issued by the first respondent is arbitrary, illegal and contrary to the provisions of the Andhra Pradesh Education Act, 1982.

The petitioners claim to be a recognized Degree Colleges being run at Kamareddy, Nizamabad District. This writ petition is filed aggrieved by the notification, dated 24-11-2004, under which applications are invited from the Registered Educational Societies/Colleges for starting new Private Unaided Degree Colleges during the academic year 2005-2006. The petitioners state that the colleges already established at Kamareddy, Nizamabad District are catering to the needs of the student community and there is no need for establishing any other Degree Colleges at present. It is also stated that as per the Rules framed under G.O.Ms.No.29, Education Department, dated 05-02-1987 no permission should be granted to the new institutions if the educational needs of the locality are adequately served. It is contended that the first respondent, while issuing the impugned notification, failed to

consider the above said aspects and therefore the Telangana Rural Private Degree Colleges Management Association represented a common representation to the first respondent on 10-03-2005 stating that granting permission for establishment of new colleges would result in unhealthy competition among the institutions. Apart from that, the petitioners made detailed representations dated 30-03-2005 and 31-03-2005 respectively reiterating that the establishment of new educational institutions under the impugned notification is unwarranted and that the same would put the existing colleges into financial constraints. It is alleged that the respondents failed to consider the said representations and have been taking further steps in pursuance of the impugned notification. Hence, this writ petition.

Since the detailed representations made by the petitioners raising objections against the establishment of new institutions at Kamareddy, Nizamabad District, in pursuance of the impugned notification, is pending before the respondents, it is not necessary for this Court to go into the merits of the case, but it would be appropriate to dispose of the writ petition directing the respondents to consider the said representation dated 10-03-2005, 30-03-2005 and 31-03-2005 of the petitioners, before taking any decision for grant of permission to new colleges.

Accordingly, the writ petition is disposed of with a direction to the respondents to consider the objections raised by the petitioners in the representations dated 10-03-2005, 30-03-2005 and 31-03-2005 before taking any decision for grant of permission to new colleges at Kamareddy, Nizamabad District on the basis of the impugned notification dated 24-11-2004.

The Writ Petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 04-04-2005

Note: Furnish C.C. in two days.

B/o.

LSK

ASSISTANT REGISTRAR

To

1 The Secretary, A.P.State Council for Higher Education, Post Box No.34, Saifabad, Hyderabad. 500 004.

2 The Secretary, Govt. of A.P.,Department of Higher Education, Secretariat Buildings, Hyderabad.

3 Two C.Cs. to the G.P. for Higher Education, High Court Buildings, Hyderabad. (OUT)

4 Two C.D. copies.